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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,373	10/16/2000	Walter Heutschi	PM-274024/11	5318

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EXAMINER
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MOSLEHI, FARHOOD

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/673,373

Applicant(s)

HEUTSCHI ET AL.

Examiner

Farhood Moslehi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 October 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. Claims 1-45 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,4,7,8,10,11,14-17, 20, 21, 23, 27,28, 31, 33, 34, 37-40, 43, 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al. (6,442,598) (hereinafter Wright).

As per claim 1, Wright teaches a method for broadcasting data to a multiplicity of users (9), in which method at least one information data base (3) is set up that contains the data intended to be sent through a broadcast channel, in which method transmission criteria (50) are stored, at least certain transmission criteria containing an address of a user, or user group, as well as an indication about the data from the information database (3,3') which have to be transmitted are automatically selected according to the stored transmission criteria, wherein the filed data are obtained from a multiplicity of external information suppliers (1) (e.g. col. 4 ,lines 7-21);

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An indication about at least one broadcasting channel, selected broadcasting channel, selected from among different broadcasting channels, via which the files data are to be transmitted, is stored with the transmission criteria (e.g. col. 4, lines 23-28); and the automatically selected data are transmitted through the selected broadcasting channel (8) to the indicated user (9) or to the indicated user group (e.g. col. 4, lines 36-44).

4. As per claim 23, it is rejected for similar reasons as stated above.

5. As per claim 4, Wright teaches the method wherein at least certain selected data are transmitted though the Internet as addressed messages, for example as e-mail (e.g. Figure 1).

6. As per claim 27, it is rejected for similar reasons as stated above.

7. As per claim 7, Wright shows the method wherein selected data may be shown on display panels (e.g. Figure 2).

8. As per claim 31, it is rejected for similar reasons as stated above.

9. As per claim 8, Wright teaches the method wherein at least certain selected data are multimedia data (e.g. col. 5, lines 22-35).

10. As per claim 10, Wright shows the method wherein at least certain of the users administrate transmission criteria (50) through at least one telecommunications system (8,14) (e.g. Figure 2).

11. As per claim 33, it is rejected for similar reasons as stated above.

12. As per claim 11, Wright shows the method wherein at least certain of the users administrate transmission criteria (50) through the Internet (11) (e.g. Figure 2).

13. As per claim 34, it is rejected for similar reasons as stated above.

14. As per claim 14, Wright teaches the method wherein the transmission criteria comprise at least one category of desired information (e.g. Abstract).
15. As per claim 37, it is rejected for similar reasons as stated above.
16. As per claim 15, Wright shows the method wherein at least certain transmission criteria comprise at least one data service (e.g. Figure 5).
17. As per claim 38, it is rejected for similar reasons as stated above.
18. As per claim 16, Wright shows the method wherein at least certain of the transmission criteria comprise a standardized set of various data from different information providers (1) (e.g. Figures 5 and 6).
19. As per claim 39, it is rejected for similar reasons as stated above.
20. As per claim 17, it is rejected for similar reasons as stated above.
21. As per claim 40, it is rejected for similar reasons as stated above.
22. As per claim 20, Wright shows the method wherein at least certain of the transmission criteria comprise event criteria (e.g. Figure 3, Scheduler database is in charge of scheduling events).
23. As per claim 43, it is rejected for similar reasons as stated above.
24. As per claim 21, Wright shows the method wherein at least certain of the transmission criteria indicate certain data which are files in the information data base (3) only if at least one user has selected these data (e.g. Figure 4).
25. As per claim 44, it is rejected for similar reasons as stated above.
26. As per claim 28, Wright shows the data broadcasting system wherein the said output drivers (7) comprise at least one driver for a DAB network to transmit selected

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information as a radio program-accompanying service (e.g. Figure 6, it is an inherent property of the system to transmit any of the programs listed in figure 6 in DAB format).

***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claims 2,3,5,6,18,19, 24-26, 29, 30, 41, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright in view of Huna (6,438,217).

29. As per claim 2, Wright does not specifically teach the method wherein at least certain selected data are transmitted as messages through a cellular digital mobile radio network (8). Huna teaches the method wherein at least certain selected data are transmitted as messages through a cellular digital mobile radio network (8) (e.g. col. 4, lines 26-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wright with Huna. The motivation would have been for extra channels of communication for content distribution.

30. As per claim 6, it is rejected for similar reasons as stated above.

31. As per claim 25, it is rejected for similar reasons as stated above.

32. As per claim 30, it is rejected for similar reasons as stated above.

33. As per claim 3, Wright does not teach the method wherein at least certain data are transmitted as messages for paging systems. Huna teaches the method wherein at

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least certain data are transmitted as messages for paging systems (e.g. col. 7, lines 61-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wright with Huna. The motivation would have been for extra channels of communication for content distribution.

34. As per claim 5, it is rejected for similar reasons as stated above.

35. As per claim 26, it is rejected for similar reasons as stated above.

36. As per claim 29, it is rejected for similar reasons as stated above.

37. As per claim 18, Wright does not specifically discuss the method wherein at least certain of the transmission criteria comprise transmission time criteria. Huna teaches the method wherein at least certain of the transmission criteria comprise transmission time criteria (e.g. Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wright with Huna. The motivation would have been to schedule certain broadcasts.

38. As per claim 19, it is rejected for similar reasons as stated above.

39. As per claim 41, it is rejected for similar reasons as stated above.

40. As per claim 42, it is rejected for similar reasons as stated above.

41. As per claim 24, Wright does not specifically teach the data broadcasting system wherein it comprises a plurality of output drivers (7) for transmission of data to the user(9) through a corresponding multiplicity of transmission channels (8) in accordance with the filed transmission criteria. Huna teaches the data broadcasting system wherein it comprises a plurality of output drivers (7) for transmission of data to the user (9) through a corresponding multiplicity of transmission channels (8) in accordance with the

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filed transmission criteria (e.g. col. 6, lines 24-38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wright with Huna. The motivation would have been for delivery of information via several methods in order to built redundancy within the system.

42. Claim 9, 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright in view of Tantawy et al. (6,597,891) (hereinafter Tantawy).

43. As per claim 9, Wright does not specifically describe the method wherein at least certain transmitted information comprises at least one order code which the recipients (9) pass on directly to a supplier (1,17) to order products or services. Tantaway describes the method wherein at least certain transmitted information comprises at least one order code which the recipients (9) pass on directly to a supplier (1,17) to order products or services (e.g. col. 2, lines 56-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wright with Tantawy. The motivation would have been to use the same user application and content repository while the actual communication medium may be either the Internet or broadcast network.

44. As per claim 32, it is rejected for similar reasons as stated above.

45. Claims 12,13,35,36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright in view of Dowling et al. (6,522,875) (hereinafter Dowling).

46. As per claim 12, Wright does not specifically show the method wherein at least certain of the users administrate transmission criteria(50) with special messages through a mobile radio network (8). Dowling shows the method wherein at least certain

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of the users administrate transmission criteria(50) with special messages through a mobile radio network (8) (e.g. col.1, lines 48-60). ). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wright with Dowling. The motivation would have been for a mobile user to have access to the underlying data that is being broadcast.

47. As per claim 35, it is rejected for similar reasons as stated above.

48. As per claim 13, Wright does not specifically show the method wherein at least certain of the users administrate transmission criteria (50) with standardized order codes through a mobile radio network (8), the identity of the users being automatically established with a user data base (131) in the mobile radio network. Dowling shows the method wherein at least certain of the users administrate transmission criteria (50) with standardized order codes through a mobile radio network (8), the identity of the users being automatically established with a user data base (131) in the mobile radio network (e.g. col. 18, lines 7-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wright with Dowling. The motivation would have been for smooth authentication of the mobile user.

49. As per claim 36, it is rejected for similar reasons as stated above.

50. Claims 22,45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright in view of Yee et al. (6,151,497) (hereinafter Yee).

51. As per claim 22, Wright does not specifically show the method wherein the transmission of data to the user is billed with a billing system. Yee describes the method wherein the transmission of data to the user is billed with a billing system (e.g. Figure 2

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and col. 4, lines 22-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wright with Yee. The motivation would have been to keep track of the system usage with a separate gateway.

52. As per claim 45, it is rejected for similar reasons as stated above.

***Conclusion***

53. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Application Publication number 2003/0051136 to Curtis et al.

US Patent Application Publication number 2002/0124055 to Reisman.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhood Moslehi whose telephone number is 703-305-8646. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5484.

fm



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